

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 384

Case No. 82-3

November 15, 1982

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 20, 1982. At that hearing session, the Zoning Commission considered an application from William B. Willard, et al, to amend the Zoning Map of the District of Columbia, pursuant to Section 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

### FINDINGS OF FACT

1. The application requests a change of zoning from R-5-B to C-2-B for lots 14 and 802 in Square 179 in the 1600 block of Q Street, N.W. The application proposes to construct a mixed-use building which includes residential and commercial uses.
2. The subject property is a part of a larger development site which also includes lot 803. The development site (lots 14, 802, and 803) comprises an area of 8,229 square feet and is located at the northeast corner of the intersection of 17th and Q Streets, N.W. in the Dupont Circle neighborhood. The development site is across 17th Street from the eastern boundary of the Dupont Circle Historic District.
3. The development site is split-zoned, with lot 803 (approximately 4,183 square feet) zoned C-2-B, and lots 14 and 802, the subject property, (approximately 4,046 square feet) zoned R-5-B. The requested zone change would relocate the boundary line between the R-5-B and C-2-B Districts approximately forty feet to the east of its present location.
4. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot

occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

5. The C-2-B District permits matter-of-right medium density development including office, retail, and all kinds of residential uses to a maximum FAR of 3.5 with non-residential uses limited to 1.5 FAR, a maximum height of sixty-five feet, and a maximum lot occupancy of eighty percent for residential uses.
6. The development site is relatively level in topography, and is improved for and used as a surface parking lot. The portion of the parking lot that is located on lot 803 is permitted as a matter-of-right in the C-2-B District. The portion of the parking lot that is located on the subject property (lots 14 and 802) is permitted with the approval of the Board of Zoning Adjustment (BZA).
7. In 1960 the BZA first permitted the use of the subject property as a parking lot and had subsequently permitted the continued use of the property as a parking lot on five occasions. On October 7, 1981 the BZA, by Order No. 13558, denied further continued use of the subject property as a parking lot.
8. The zoning in the area includes to the east, R-5-B with R-5-C along 16th Street and R-5-B beyond. To the southeast is R-5-B with SP-1 and R-5-B beyond. To the south is C-2-B with R-5-D and SP-2 beyond. To the southwest is R-5-B with R-5-D and SP-2 beyond. To the west is C-2-B with R-5-B and SP-1 beyond. To the northwest is C-2-B with R-5-B, D/R-5-B and R-5-C beyond. To the north is C-2-B with R-5-B and R-5-C beyond. To the northeast is R-5-B with R-5-C and R-5-B beyond.
9. Uses in the area are mixed, including residential, commercial, and some institutional. To the east of the subject property and abutting it is a three-story condominium apartment house, and beyond that is the twelve-story Cairo condominium apartments and an eight-story apartment building fronting on 16th Street. Across Q Street to the south is the two-story Trio Cafe and a carryout restaurant with row dwellings and small apartment buildings along the south frontage of Q Street. To the north and abutting the subject property is a vacant two-story structure fronting on 17th Street. That portion of 17th Street west of the subject property is a commercial strip of C-2-B zoning which include a variety of commercial office, retail and service uses, a few of which are abandoned. To the distant west and northwest of the subject property are an elementary school, more row dwellings and small

apartment buildings, some existing and former missions of foreign governments, and certain other types of institutional uses.

10. The developer, Paul Greenstein, has a contract to purchase the development site (lots 14, 802, and 803) from the applicants.
11. The developer proposes to construct a five-story C-2-B-type building. The FAR will not exceed 3.5, no less than 2.0 of which will be devoted to residential uses. The first and second floors will be devoted to commercial uses and the top three floors will contain twenty-one residential apartments. The height of the building will be limited to fifty-six feet. The structure will be set back at least a distance of fifteen feet from the east property line of lot 802. Parking will be provided in the underground garage which would be accessible from Q Street. The proposed building would provide thirteen spaces. In addition, eleven spaces are proposed in vaults which would be located in public space. The vault construction would have to be approved by the Public Space Commission.
12. At the public hearing, the developer, indicated that he was negotiating with the Advisory Neighborhood Commission (ANC)-2B and the Dupont Circle Citizens Association (DCCA) to enter into an agreement and covenant that controls the use, height, bulk, and set-back of the proposed structure. The covenant would limit the uses to C-2-B-type commercial and residential uses, excluding hotel, motel or inn. The covenant would require a minimum of 2.0 FAR for residential uses, a minimum setback of fifteen feet from the eastern boundary of lot 802; and a maximum height of fifty-six feet. Subsequent to the hearing but before the close of the record, the applicant filed with the Commission a copy of the executed and recorded covenant and agreement.
13. The Office of Planning and Development (OPD), by memorandum dated September 10, 1982 and by testimony presented at the public hearing, recommended approval of the application, subject to the implementation of the agreement and covenant. The OPD believed that the proposed covenant will provide for an orderly development that is not inconsistent with the goals and policies of the City. The OPD further believed that the proposed covenant, in conjunction with rezoning, would facilitate a mixed use five-story building on the site that would be comparable in bulk with the existing building directly across 17th Street. Thus, the scale of development on the northeast corner of the intersection at 17th and Q Streets would be in harmony

with the existing development at the northwest corner.  
The Commission so finds.

14. The D.C. Department of Environmental Services (DES), by memorandum dated August 6, 1982, reported that the DES had no objections to the application.
15. The D.C. Fire Department, by memorandum dated August 17, 1982, reported that the application would have no adverse impact on the operations of that agency.
16. The D.C. Public Schools, by memorandum dated August 13, 1982, reported that the application would have no adverse affect upon facilities and operations of that agency.
17. The D.C. Office of Business and Economic Development (OBED), by memorandum dated August 20, 1982, reported that the OBED approved the application, if other compelling concerns; e.g. land use or transportation issues, do not exist. The OBED believed that the proposal would have a positive impact on the tax base, employment, and possibly the availability of consumer retail services. The Commission so finds.
18. The D.C. Department of Transportation (DCDOT), by memorandum dated September 17, 1982, reported that the DCDOT had no objections to the application.
19. Advisory Neighborhood Commission - 2B, by letter dated September 20, 1982, recommended approval of the application, subject to the execution of the covenant described in Finding No. 12.
20. The Dupont Circle Citizens Association (DCA), which is a party in the proceeding, by testimony presented at the public hearing, supported the application subject to the execution of the agreement and covenant described in Finding No. 12.
21. Alice Daniel, by letter dated September 20, 1982, supported the application because it provides for sufficient off-street parking, is in scale and harmony with the character of the neighborhood, and would help to deter crime by generating people-oriented activities.
22. No parties expressed opposition to the application.
23. At the hearing, Jules Geltzieler testified in opposition because of the potential for the establishment of an adverse C-2-B - type commercial use.

24. Ralph A. Taylor, Jr., Roger Tilton on behalf of some owners at the Cairo Condominium, Harry L. Roesch, and Kenneth A. Daigler filed letters in opposition to the application. The objections included issues relative to traffic, noise, litter, refuse, and the inappropriate and unnecessary nature of the rezoning.
25. As to concerns related to traffic, the Commission concurs with the report of the DCDOT and finds that the proposed off-street parking, the existing street system and traffic patterns, and the existing transit service are adequate to minimize traffic problems.
26. As to concerns related to noise, litter, and refuse, the Commission finds that the DES is adequately equipped and sufficiently capable to help resolve these concerns, particularly in light of the report of the DES not objecting to the application.
27. As to the concerns related to the unnecessary and inappropriate expansion of commercial rezoning, the Commission finds that the proposed rezoning is entirely appropriate. The corner to be rezoned is relatively small, including less than 5,000 square feet of land. The subject area is part of a large development parcel all of which is to be sold to a single purchaser and developed as an entity. The property as split-zoned is too small to be reasonably developed with two separate buildings. Furthermore, the extension of commercial zoning forty feet to the east on the north side of Q Street as proposed creates a reasonable commercial depth from 17th Street and is consistent with the zoning pattern on the east side of 17th Street to the north and south.
28. The action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the change of zoning would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Rezoning to C-2-B as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797) by furthering the general public welfare and serving to stabilize and improve the area.

2. Rezoning to C-2-B as set forth herein will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-B as set forth herein will not have an adverse impact on the surrounding neighborhood.
4. The recorded covenant and agreement controlling development of the subject property under the C-2-B District can be recognized by the Commission, and will help insure appropriate development of the site.
5. The Commission takes note of the position of Advisory Neighborhood Commission - 2B, and in its decision has accorded to the ANC, the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following:

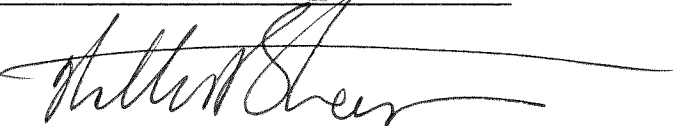
Change from R-5-B to C-2-B lots 14 and 802 in  
Square 179 @ the 1600 block of Q Street, N.W.

Vote of the Commission at the public meeting held on October 18, 1982: 3-0 (Lindsley Williams, John G. Parsons, and Walter B. Lewis, to approve C-2-B - Maybelle T. Bennett, not voting not having participated in the case and George M. White, not present not voting).

This order was adopted by the Zoning Commission at its public meeting held on November 15, 1982 by a vote of 3-0 (Lindsley Williams, John G. Parsons and Walter B. Lewis to adopt, George M. White not voting, not having participated in the case, Maybelle T. Bennett not present, not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia the amendment to the Zoning Map is effective on

NOV 26 1982



WALTER B. LEWIS  
Chairman  
Zoning Commission



STEVEN E. SHER  
Executive Director  
Zoning Secretariat